

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMARA TOURE,

Plaintiff,

-V-

SOUNDVIEW PETROLEUM, INC., et al.,

Defendants.

18 Civ. 1813 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On January 17, 2019, the parties submitted a proposed settlement agreement, Dkt. 26-1, and a letter in support, Dkt. 27, in this Fair Labor Standards Act (“FLSA”) and New York Labor Law (“NYLL”) action.

The Court has carefully reviewed the agreement. The Court concludes, substantially for the reasons stated in the parties' letter, Dkt. 27, that the proposed settlement agreement is fair and reasonable. The specific terms of the agreement are reasonable. The agreement allocates one third of the settlement amount to plaintiff's counsel as attorneys' fees, which is reasonable because it represents a contingency fee that accounts for the risks inherent in litigation of this nature. *See Thornhill v. CVS Pharmacy, Inc.*, No. 13 Civ. 5507 (JMF), 2014 WL 1100135, at *3 (S.D.N.Y. Mar. 20, 2014). And that attorneys' fee accounts for plaintiff's counsel's costs, too, and thus does not impermissibly double count those costs. *See Run Guo Zhang v. Lin Kumo Japanese Rest. Inc.*, No. 13 CIV. 6667 PAE, 2015 WL 5122530, at *1 n.1 (S.D.N.Y. Aug. 31, 2015). The agreement does not contain a mutual general release, settling instead only the plaintiffs' claims arising out of matters alleged in this Action—that is, the FLSA and NYLL

claims alleged in the complaint. Dkt. 26-1; *see* Dkt. 1 (Complaint); *cf. Martinez v. Gulluoglu LLC*, No. 15 Civ. 2727 (PAE), 2016 WL 206474, at *2 (S.D.N.Y. Jan. 15, 2016).

The Court is therefore satisfied that the agreement was achieved through procedurally fair means and is fair and reasonable such that it satisfies the standard set forth in *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015).

Accordingly, the Court approves the agreement.

SO ORDERED.

A handwritten signature in cursive script, reading "Paul A. Engelmayer".

Paul A. Engelmayer
United States District Judge

Dated: January 23, 2019
New York, New York